

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: Wed., July 20, 2005

Division: BOCC

Bulk Item: Yes ☐ No ☒

Department: Commissioner David Rice, District 4

Staff Contact Person: Tamara Lundstrom

AGENDA ITEM WORDING: Request approval of \$200,000 in funding for continuation of Baker Act Services at DePoo.

ITEM BACKGROUND: DePoo has indicated a need for \$450,000 to continue providing Baker Act Services. The State has appropriated \$250,000 for FY05-06.

PREVIOUS RELEVANT BOCC ACTION: Resolution of Support #078-2005 approved February 16, 2005.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: \$200,000.00

BUDGETED: Yes ☐ No ☒

COST TO COUNTY: \$200,000.00

SOURCE OF FUNDS: Ad-Valorem

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty ☐ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:

David P. Rice
(David P. Rice, Commissioner)

CP Rice
[Signature]

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

Briefing - Baker Act Funding in Monroe County

- There are two Baker Act receiving facilities* in Monroe County located in District 11.
 - Guidance Clinic of the Middle Keys Crisis Stabilization Unit located in Marathon (11 beds).
 - Lower Keys Medical Center (aka DePoo Hospital) located in Key West (15 adult/10 child psychiatric beds).
- The Guidance Clinic of the Middle Keys Crisis Stabilization Unit is a state funded public receiving facility.
- Lower Keys Medical Center (aka DePoo Hospital) is a private (does not receive state funds) receiving facility and is the only Baker Act receiving facility in the Keys that provides medical care.
- During FY 2004-05 District 11 provided \$180,073 to Lower Keys Medical Center (aka DePoo Hospital) in lapse funds on an emergency basis to keep the hospital from withdrawing their designation as a Baker Act receiving facility.
- The Lower Keys Medical Center (aka DePoo Hospital) reported that during FY 2003-04 they provided Baker Act services for 391 persons. Through private insurance and medicaid they reported they were able to be reimbursed only 4 cents on every dollar spent.
- The Lower Keys Medical Center (aka DePoo Hospital) reports that they will cease providing Baker Act services by July 25, 2005, due to lack of funds to provide indigent care, if funding is not available.
- The withdrawal of Baker Act services by Lower Keys Medical Center (aka DePoo Hospital) will result in persons being transported by law enforcement a further distance to The Guidance Clinic of the Middle Keys Crisis Stabilization Unit in Marathon. Persons with medical problems who also need psychiatric services under the provisions of the Baker Act would need to be transferred to Miami for continued medical and Baker Act services.
- The current Baker Act allocation to District 11 is in accordance with the statewide formula. It is unlikely that District 11 will receive additional Baker Act funding in FY 05-06. The district would have to shift funds from Dade County to cover an increase in Monroe County.
- The Governor's FY 2005-06 Recommended Budget contains \$6.4 million for crisis services for the Baker Act. \$6.4 million is recommended by the Senate and \$5 million recommended by the House. Any new funding will be allocated according to the legally mandated equity formula.

*Baker Act receiving facilities are designated by the department to hold and treat persons with an acute psychiatric emergency on an involuntary basis.



MEDICAL CENTER

April 25, 2005

Sylvia Quintana
District 11, Substance Abuse and Mental Health
Florida Department of Children and Families
401 N. 2nd Avenue, Room 1007 North Tower
Miami, Florida 33128

Dear Ms. Quintana:

Lower Keys Medical Center/dePoo Facility has been a Designated Baker Act Receiving Facility for many years. Our organization has always demonstrated a commitment to providing psychiatric services to our community and recognizes the tremendous need for Baker Act services.

As one of only two Baker Act Receiving Facilities in Monroe County, and the only facility that is able to provide for the medical needs of the Baker Acted patients, the Lower Keys Medical Center admits the majority of Baker Acts in the County, yet in the past, has not received Baker Act funding. I appreciate all of the support that your agency has provided as evidenced by the contract for funding through lapsed funds for the period April 2005 to June 2005.

Without continued funding, the Lower Keys Medical Center will not be in a position to continue our Baker Act Designation. The hospital was advised that Representative Sorenson's bill earmarking funding for dePoo was not introduced. Sadly, if funding cannot be secured by June 30, 2005, our organization will be unable to continue to function as a Baker Act Receiving Facility and provide the associated services.

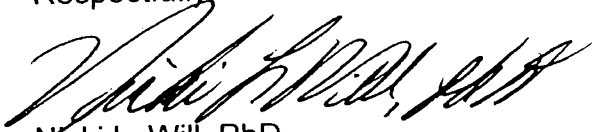
Representatives of the Lower Keys Medical Center have worked cooperatively with community agencies and the DCF since 1999 in an effort to secure funding which would enable the hospital to continue to provide Baker Act services and the opportunity to continue our designation. In anticipation that the funding will not be forthcoming, the Lower Keys Medical Center regrettably must provide the required ninety-day (90) notice of intent to terminate Baker Act Designation, effective July 25, 2005.

The decision to terminate the Baker Act designation was very carefully considered and was very difficult to make. The Lower Keys Medical Center recognizes the serious impacts that will result as a consequence of this termination. Unfortunately, the lack of

funding and associated detrimental financial impact to our facility has necessitated this decision.

The leadership of our hospital can only hope that the funding levels that seemed possible to secure become available, in which case the Lower Keys Medical Center would consider withdrawing the intent to terminate and welcome the ability to continue Baker Act Designation.

Respectfully,

A handwritten signature in black ink, appearing to read "Nicki L. Will, PhD.", written in a cursive style.

Nicki L. Will, PhD.
Chief Executive Officer

RESOLUTION # 078-2005

**A RESOLUTION OF THE MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA,
SUPPORTING BAKER ACT REFORM AND SUPPORTING
EFFORTS BY THE LOWER KEYS MEDICAL CENTER TO
OBTAIN FUNDING FOR ITS DEPOO FACILITY FOR BAKER
ACT SERVICES; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Baker Act, a Florida Law, allows for involuntary examination of persons thought to be a danger to themselves or others for a period of up to 72 hours and

WHEREAS, mental health and law enforcement professionals have come to understand that legal limitations inherent in the Baker Act lead to insufficient care of the mentally ill; and

WHEREAS, there is a tension between the right of the mentally ill person to be "free" and the right to obtain treatment that the person may be too ill to recognize he or she needs; and

WHEREAS, Baker Act reform would allow, as 41 other states already allow, court-ordered involuntary commitment and outpatient treatment; and

WHEREAS, in Key West, the DePoo Facility of the Lower Keys Medical Center ("DePoo") is a Baker Act receiving facility; and

WHEREAS, in 2003, DePoo received approximately 400 Baker Act patients, or 57% of all such Baker Act patients in Monroe County; and

WHEREAS, DePoo has been unsuccessful in obtaining necessary funding to care for Baker Act patients in the Lower Keys, thereby jeopardizing its ability to provide this service in the future; and

WHEREAS, the Monroe County Board of County Commissioners recognizes the urgent need to care for the mentally ill in the community, as well as the connection between mental health and homelessness;

NOW THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA, AS FOLLOWS:

Section 1: That the Baker Act reform is hereby supported.

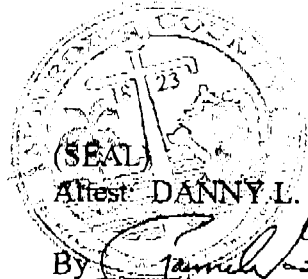
Section 2: That funding for the DePoo Facility to provide full services to Baker Act patients is hereby supported.

Section 3: That the County Clerk is hereby authorized to transmit certified copies of this Resolution to the Department of Children and Family Services, to the Key West City Council, City of Key West, and to Senator Larcenia Bullard and State Representative Ken Sorensen.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the County Clerk.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a meeting of said Board held on the 16th day of February, A.D., 2005.

Mayor Dixie M. Spehar	<u>Yes</u>
Mayor Pro Tem Charles "Sonny" McCoy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner David P. Rice	<u>Yes</u>
Commissioner Murray E. Nelson	<u>Yes</u>



(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

By *[Signature]*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By *[Signature]*
Mayor/Chairman
DIXIE M. SPEHAR

FILED FOR RECORD
05 APR 13 AM 9:43
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

[Signature]
SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 1/31/05